

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-03815-JLS-SSC

Date: May 08, 2025

Title: Sander Wielemaker v. Mercedes-Benz USA, LLC

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Kelly Davis
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendant:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE REMANDED TO STATE COURT**

On March 27, 2025, Plaintiff filed this lemon-law action in Los Angeles County Superior Court, asserting claims against Defendant for violations of the Song-Beverly Consumer Warranty Act. (Compl., Doc. 1-1 ¶¶ 24–49.) Defendant removed this action on April 30, 2025, invoking this Court’s diversity jurisdiction. *See* 28 U.S.C. §§ 1332(a), 1441(a), 1446(b)(1). (NOR, Doc. 1.)

As the party invoking the removal jurisdiction of this Court, Defendant bears “the burden of establishing federal jurisdiction.” *California ex. Rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838 (9th Cir. 2004). It is “elementary that the subject matter jurisdiction of the district court is not a waivable matter and may be raised at anytime by one of the parties, by motion or in the responsive pleadings, or *sua sponte* by the trial or reviewing court.” *Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1194 n.2 (9th Cir. 1988). “If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c).

The Court finds that Defendant’s Notice of Removal contains insufficient information to establish that the amount-in-controversy requirement is satisfied, and

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-03815-JLS-SSC

Date: May 08, 2025

Title: Sander Wielemaker v. Mercedes-Benz USA, LLC

therefore *sua sponte* questions its subject matter jurisdiction over this action. *See Moe v. GEICO Indem. Co.*, 73 F.4th 757, 761– 62 (9th Cir. 2023).

For this reason, the Court ORDERS Defendant to show cause, in writing, no later than **seven (7) days** from the date of this Order, why the Court should not remand this action to Los Angeles County Superior Court. Plaintiff has **seven (7) days** thereafter to submit any response. No further briefing is permitted. Following submission of the parties’ briefing, which shall not exceed **five (5) pages**, excluding any declaration(s), the matter will be deemed under submission and the Court will thereafter issue an order.

Initials of Deputy Clerk: kd